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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/344,522 06/26/99 WRIGHT T ASD-58-95102

FILE

LM02/0922  
ALLEN DYER DORPELT MILBRATH & GILCHRIST  
255 S ORANGE AVENUE  
SUITE 1401  
ORLANDO, FL 32802-3791

EXAMINER

CROSLAND, D

ART. UNIT.

PAPER NUMBER

DATE MAILED:

09/22/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/344,522

Applicant(s)  
THOMAS H. WRIGHT ET AL

Examiner  
Donnie L. Crosland

Group Art Unit  
2736



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-40 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-40 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Schuchman et al, Miller, Jr. et al, and Polivka et al.

Schuchman shows the system for providing a retrievable record of the flight performance of an aircraft and includes a first data store SCP for flight data in any of aircrafts 1, 2, or 3, and a first transceiver as shown within the aircrafts 1, 2, or 3 coupled to the data store and being operative to download flight data through a radio frequency link to a second transceiver located on the ground, see figure 9, and col. 2, lines 13-34.

Miller shows an aircraft data acquisition and recording system and clearly provides for engine condition information (engine data).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to monitor and store engine data in Schuchman's aircraft data acquisition because the monitoring and storing engine data in an aircraft for later retrieval is clearly suggested by Miller, Jr. et al.

Polivka shows spread spectrum bi-directional communication between an aircraft and a ground base unit, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to communicate aircraft data to and from the aircraft of Schuchman as modified by Miller by a spread spectrum technique since the use and advantages of such spread spectrum communication is clearly suggested by Polivka.

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Any advantages realized are those inherently expected due to the use of spread spectrum communication, for instance multiplexing, demultiplexing, modulation, and demodulation..

The recited initial take-off is suggested in Miller, see abstract, lines 10-16.

The language “ after the aircraft completes its flight and landed” would not involve patentable invention since it is within the capabilities of the skilled artisan to download aircraft data at any time whether the aircraft is in the air or has landed. Such is clearly a matter a choice.


The various sensors as recited such as “core compartment bleeding, sump pressurization, etc. are clearly conventional sensors associated with the aircraft and monitored. The use of such would not involve patentable invention.

The bands as well as the frequency are shown in Polivka.

### *Conclusion*

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388.

  
DONNIE L. CROSLAND  
PRIMARY EXAMINER

DLC

September 20, 1999